

REMARKS

The present amendment is prepared in accordance with the new revised requirements of 37 C.F.R. § 1.121. A complete listing of all the claims in the application is shown above showing the status of each claim. For current amendments, inserted material is underlined and deleted material has a line therethrough.

Applicants appreciate the thoroughness with which the Examiner has examined the above-identified application. Reconsideration is requested in view of the amendments above and the remarks below.

DETAILED ACTION**Claim Objections**

Claims 11-18 are objected to under 37 CFR 1.75(c) as being in improper form because a dependent claim cannot refer to two sets of claims to different features. See MPEP § 608.01 (n).

Claims 11-18 should be rewritten in the style set forth in claim 10: - - A method of applying a waterproofing composition to a substrate comprising: providing a substrate to be waterproofed; applying the composition of claim X (X is 1-9) to the substrate surface; and curing the composition. - -

Claims 10-18 have been canceled and new method claims 22-26 added as new claims. It is respectfully submitted that new claims 22-26 are now proper under 37 CFR 1.75(c).

Claim Rejections - 35 USC § 102/103

Claims 1-6, and 10-15 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gardner et al. (US Pat. No. 4,608,404).

It is respectfully submitted that this rejection is now moot because of the amendment to claim 1 incorporating the allowable subject matter of claim 7 therein as shown above and discussed below.

Allowable Subject Matter

Claims 7-9 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 7, Gardner et al. provide no teaching or suggestion to include an acrylate functional urethane resin in their composition.

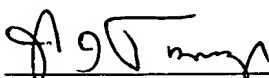
Schoenfeld et al. (Pub. No. US2003/0196753) disclose a similar composition wherein an acrylate terminated urethane resin is added to a composition based on a pre-polymer derived from epoxy resins and amine-terminated polyethers (Abstract). However, the composition does not contain a flexible hardener. The amine-terminated polyether could satisfy the limitation; however, it is fully consumed during the preparation of the pre-polymer (paragraph 0020). Furthermore, these references lack a nexus that would teach or suggest the use of Schoenfeld's acrylate terminated urethane resin in the composition of Gardner et al.

Claims 8, 9, and 16-18 are allowable because they are dependent from claim 7.

Applicant notes with appreciation that claims 7-9 and 16-18 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 1 has been amended to include the acrylic functional urethane resin limitation of claim 7 and it is respectfully submitted that claim 1 is now properly allowable. Claim 8 has been amended to indicate that the composition contains an epoxy reactive diluent and claim 19 has been added to define the epoxy reactive diluent as an aliphatic glycidyl ether. Further, new claims 20 and 21 have been added to more specifically define the polymer fiber of claim 1. Also, claims 22-26 have been added to overcome the Examiner's objections to the format of dependent method claims 17 and 18 as indicated above.

It is respectfully submitted that the claims are now properly allowable and further and favorable action is respectfully solicited.

Respectfully submitted,

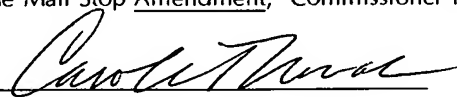


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 2231301450.

Name: Carol M. Thomas Date: September 11, 2006 Signature: 
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